

EXHIBIT 34



**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NETLIST, INC.,
Plaintiff,

v.

MICRON TECHNOLOGY, INC. *et al.*,
Defendants.

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Case No. 2:22-cv-00203-JRG-RSP

ORDER

Micron Technology, Inc. *et al.* ("Micron") previously filed a Motion for Summary Judgment of Non-infringement of U.S. Patent Nos. 8,787,060 and 9,318,160 (Dkt. No. 279) and a Motion for Summary Judgment of No Pre-suit Damages (Dkt. No. 281). Magistrate Judge Payne entered a Report and Recommendation (Dkt. No. 429), recommending denial of Micron's Motion for Summary Judgment of Non-infringement and granting-in-part of Micron's Motion for Summary Judgment of No Pre-suit Damages. Micron has now filed Objections (Dkt. No. 442).

After conducting a *de novo* review of the briefing on the Motion for Summary Judgment, the Report and Recommendation, and the briefing on Micron's Objections, the Court agrees with the reasoning provided within the Report and Recommendation and concludes that the Objections fail to show that the Report and Recommendation was erroneous. Consequently, the Court **OVERRULES** Micron's Objections and **ADOPTS** the Report and Recommendation and orders that the Motion for Summary Judgment of Non-infringement of U.S. Patent Nos. 8,787,060 and 9,318,160 (Dkt. No. 279) is **DENIED** and the Motion for Summary Judgment of No Pre-suit Damages (Dkt. No. 281) is **GRANTED-IN-PART**.

So ORDERED and SIGNED this 31st day of January, 2024.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE